

Hong Kong Professional Teachers' Union

Equal Opportunity Policy

(Effective from 19th June 2021)

(This translation is for reference only, if there are inconsistencies between this translation and the Chinese version, the Chinese version shall prevail)

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Part 1: Policy Statement

HKPTU is committed to create, promote and maintain an equal environment with zero discriminations, harassments and vilifications for all staff, members of the ExCo and the Senate, Union members and other stakeholders. HKPTU supports equality and strongly opposes to discriminations, harassments and vilifications. All necessary actions will be taken to prevent discriminations, harassments and vilifications and, when necessary, to penalize persons who violate this Policy, including termination of employee contract, removal of title of members of the ExCo and the Senate, suspension of membership benefits and/or termination of membership.

HKPTU will not tolerate any violation of this Policy. If the complaint in regard to the respondent is proven to be sustained through preliminary investigation or hearing, corresponding actions will be taken in accordance with this Policy. The defendant may also be liable for criminal or civil liability. Making a complaint in accordance with this Policy will not affect the right of the complainant to file a complaint or litigation with other official mechanisms or judicial institutions in accordance with the law.

Part 2: Interpretation

1. Interpretation

Unless it is specified otherwise, the definitions of the following terms are as below:

“Age discrimination”	:	Discrimination as defined by <i>Practical Guidelines For Employers On Eliminating Age Discrimination in Employment</i>
“Code of Practice against Discrimination in Employment on the Ground of Sexual Orientation”	:	<i>Code of Practice against Discrimination in Employment on the Ground of Sexual Orientation</i> published by the Constitutional and Mainland Affairs Bureau
“Disability discrimination”	:	Discrimination as defined by the <i>Disability Discrimination Ordinance (Cap. 487)</i>
“Disability harassment”	:	Harassment as defined by the <i>Disability Discrimination Ordinance</i>
“Disability vilification”	:	Vilification as defined by the <i>Disability</i>

Discrimination Ordinance

“Discrimination against breastfeeding women”		Discrimination as defined by section 8A of the <i>Sex Discrimination Ordinance</i> (Cap. 480)
“Discrimination against pregnant women”	:	Discrimination as defined by section 8 of the <i>Sex Discrimination Ordinance</i>
“Discrimination against marital status”	:	Discrimination as defined by section 7 of the <i>Sex Discrimination Ordinance</i>
“Discrimination on the ground of sexual orientation”	:	Discrimination as defined by the <i>Code of Practice against Discrimination in Employment on the Ground of Sexual Orientation</i>
“EOP, the”	:	The Equal Opportunity Panel that established in accordance with article 2 of this Policy
“ExCo, the”	:	The Executive Committee of the HKPTU
“Family status discrimination”	:	Discrimination as defined by the <i>Family Status Discrimination Ordinance</i> (Cap. 527)
“Harassment based on sexual orientation”	:	Harassment as defined by the <i>Code of Practice against Discrimination in Employment on the Ground of Sexual Orientation</i>
“Harassment of breastfeeding women”	:	Harassment as defined by section 2A of the <i>Sex Discrimination Ordinance</i> .
“Hearing Report”	:	Report that submitted in accordance with article 29 of this Policy
“HKPTU, the” or “The Union”	:	Hong Kong Professional Teachers’ Union
“Job seeker(s)”	:	Any person(s) who submitted his/her application, applying to be a staff in the HKPTU
“Member(s) of the ExCo”	:	Member(s) of the Executive Committee of the HKPTU
“Member(s) of the ExCo and the Senate”	:	Member(s) of the Executive Committee and the Senate of the HKPTU
“Member(s) of the Senate”	:	Member(s) of the Senate of the HKPTU

“Practical Guidelines For Employers On Eliminating Age Discrimination in Employment”	:	<i>Practical Guidelines For Employers On Eliminating Age Discrimination in Employment</i> published by the Labour Department
“President, the”	:	The President of the HKPTU
“Race discrimination”	:	Discrimination as defined by the <i>Race Discrimination Ordinance</i> (Cap. 602)
“Race harassment”	:	Harassment as defined by the <i>Race Discrimination Ordinance</i>
“Race vilification”	:	Vilification as defined by the <i>Race Discrimination Ordinance</i>
“Service provider(s)”	:	Person(s) approved by the Union, being eligible to provide service(s) to service users
“Service user(s)”	:	Person(s) approved by the Union, being eligible to use designated service(s) or participate into specified activity(ies), including those person(s) who are using designated service(s) or participating into specified activity(ies) with the above-mentioned person(s)
“Sex discrimination”	:	Discrimination as defined by section 5 and 6 of the <i>Sex Discrimination Ordinance</i>
“Sexual harassment”	:	Sexual harassment as defined by section 2(5) of the <i>Sex Discrimination Ordinance</i>
“This Policy”	:	Hong Kong Professional Teachers’ Union Equal Opportunity Policy
“Union member(s)”	:	Member(s) of the HKPTU
“Vilification based on sexual orientation”	:	Vilification as defined by the <i>Code of Practice against Discrimination in Employment on the Ground of Sexual Orientation</i>
“Working days”	:	Announced by the Union, days that the headquarters of the Union are open, which does not include holidays, and days the headquarters does not in normal operation due to bad weather conditions

		or other reasons
“Workplace participant(s)”	:	Workplace participant(s) as defined by the <i>Disability Discrimination Ordinance</i>
“Senate, the”	:	Senate of the HKPTU
“Staff”	:	Employees that employed by the HKPTU in accordance with the <i>Employment Ordinance</i> (Cap. 57)

Part 3: Equal Opportunity Panel

2. Establish the “Equal Opportunity Panel”

- (1) The Union has an “Equal Opportunity Panel” which has the following powers and duties:
 - a. receive and handle complaints and enquires according to this Policy;
 - b. make recommendations to the ExCo or the Senate according to this Policy;
 - c. offer advices on implementation of this Policy upon request of the ExCo, the Senate, or departments;
 - d. provide promotion and education on implementation of this Policy; and
 - e. regularly review this Policy every two years, and advise the ExCo to amend this Policy when it is necessary.
- (2) The EOP comprises of:
 - a. one Chairperson, being a member of the ExCo that appointed by the ExCo;
 - b. one Deputy Chairperson, being a member of the Senate that appointed by the Senate;
 - c. three appointed members, appointed by the following ways:
 - i. one member of the ExCo that appointed by the ExCo;
 - ii. one member of the Senate that appointed by the Senate;
 - iii. one staff, does not belongs to the Executive Branch (統籌處), that appointed by the ExCo; and
 - d. Deputy Chief Executive (Human Resources), being an *ex-officio* member.
- (3) Appointees in accordance with items a to c of section (2) serve for a term of two years. If an appointee loses his/her capacity in which he/she was being appointed, that appointee must leave the office immediately. Appointees who completed their term are eligible for re-appointment.

- (4) In case of the Chairperson is absent or the position is in vacant, the Deputy Chairperson may act in Chairperson's capacity.
- (5) After an appointment is made in accordance with items a to c of section (2), or the position holder of Deputy Chief Executive (Human Resources) has changed, the ExCo should announce to all staff, and members of the ExCo and the Senate as soon as practicable.
- (6) The ExCo and the Senate, when making appointment according to item a to c of section (2), should balance the chance of participation of persons with different identities (e.g. different genders, races). The EOP must comprises at least one male and at least one female.
- (7) Members of the EOP may resign by written notification to Secretary General of the ExCo.

3. Rules of Operation of the EOP

- (1) A quorum must be present when the EOP is in meeting or hearing, the quorum is four.
- (2) When the EOP make decisions by voting, the Chairperson, the Deputy Chairperson, and every member has one vote.
- (3) With exceptions stated in section (4) and (5), the Chairperson may cast a second vote when the voting result is a tie.
- (4) If the voting result is a tie when the EOP is deciding on whether to:
 - a. reject a hearing application;
 - b. terminate a hearing; or
 - c. accept an application for hearing in accordance with article 24 of this Policy;the EOP must conduct the hearing or continue the hearing.
- (5) If the voting result is a tie when the EOP is making a verdict, the EOP must announce that the EOP is unable to confirm the complaint is sustained.

4. Secretary of the EOP

Deputy Chief Executive (Human Resources) is the Secretary of the EOP. The Secretary of the EOP is responsible for clerical duties as instructed by the EOP.

Part 4: Enforcement

5. Prohibit Discriminations

Age discrimination, sex discrimination, discrimination against breastfeeding women, discrimination on the ground of sexual orientation, family status

discrimination, discrimination against marital status, discrimination against pregnant women, disability discrimination, and race discrimination are prohibited by the Union. The ExCo, the Senate, and all departments should not constitute age discrimination, sex discrimination, discrimination against breastfeeding women, discrimination on the ground of sexual orientation, family status discrimination, discrimination against marital status, discrimination against pregnant women, disability discrimination, and race discrimination when formulating policies and regulations.

6. Prohibit Harassments

Sexual harassment, harassment based on sexual orientation, disability harassment, race harassment, and harassment of breastfeeding women are prohibited by the Union.

7. Prohibit Vilifications

Vilification based on sexual orientation, disability vilification, and race vilification are prohibited by the Union.

8. Prohibit Vindictive Acts

The Union prohibits any persons from:

- (1) performing vindictive acts (victimization) on the other person; or
- (2) treating the other person unfavorably;

on the basis that he/she is a complainant, defendant, witness, or member of the EOP, and he/she is exercising his/her rights or powers according to this Policy.

9. Scope of Enforcement

(1) Any Union members, members of the ExCo and the Senate, staff, service providers, service users, and workplace participants are not allowed to perform any prohibited acts on any Union members, members of the ExCo and the Senate, staff, service providers, service users, workplace participants, job seekers, and persons who has dealings with the Union. Prohibited acts means acts that are prohibited by article 5 to 8 of this Policy.

(2) Any Union members, members of the ExCo and the Senate, staff, service providers, service users, workplace participates, job seekers, and persons who has dealings with the Union, has the right to lodge a complaint in accordance with part 5 of this Policy, if he/she has been treated in a way that violated section 5 to 8 of this Policy, under any one of the following

circumstances:

- a. when participating activities of the Union, using premises that are managed by the Union, using services of the Union, using services of service providers, providing services to the Union, exercising duties assigned by the Union, or dealing with the Union;
- b. in other circumstances that he/she has the right to sue the Union according to *Sex Discrimination Ordinance, Family Status Discrimination Ordinance, Disability Discrimination Ordinance, or Race Discrimination Ordinance*; or
- c. in other circumstances that he/she has the right to raise a grievance according to *Code of Practice against Discrimination in Employment on the Ground of Sexual*, or *Practical Guidelines For Employers On Eliminating Age Discrimination in Employment*.

Part 5: Ways to Lodge Complaints

10. Ways to Lodge Complaint by the Complainant

- (1) Complainants should make written complaints whenever practicable. Written complaints should be forwarded to the EOP.
- (2) If complainant wish to make an oral complaint, complainant should contact the EOP. The EOP should arrange an interview with the complainant within 14 working days, in which at least one member of the EOP must be presented. The EOP should produce a written record of the complaint, and let the complainant to sign after the complainant confirming the written record is correct.
- (3) For any enquiries, complaints, or requests for assistance regarding this Policy, please contact the Deputy Chief Executive (Human Resources). The EOP is responsible to explain this Policy to relevant persons, let them know how to lodge a complaint and request for assistance, and provide assistance in mediation and other ways of settlement. Contact information are:

Phone number: 2780-7337;

Email address: eopp@hkptu.org;

Postal address: Deputy Chief Executive (Human Resources), 7/F, Chung Kiu Commercial Building, 51 Shantung Street, Mong Kong

11. This Policy Must be Made Public

The EOP is responsible to ensure this Policy is made public in the website of the

Union.

12. Principles of Confidentiality

- (1) The EOP should keep content of complaints confidentially. Unless it is necessary when the EOP exercising its duties (e.g. make recommendations to the ExCo, submit the hearing report to the ExCo, etc.), the EOP should not disclose content of complaints.
- (2) Based on principles of natural justice, the defendant has the rights to read the content of complaints and statements by witnesses.
- (3) All meeting minutes and documents related to complaints must be classified. All relevant persons should handle these meeting minutes and documents in accordance with *Personal Data (Privacy) Ordinance* (Cap. 486). The ExCo will take appropriate actions against persons who disclose the relevant information without proper permission.

13. Anonymous Complaints

- (1) The EOP has discretion on whether to handle an anonymous complaint. If the EOP decided to handle an anonymous complaint, the EOP must inform the defendant the content of complaint, and allow the defendant to respond.
- (2) If the EOP, after preliminary investigation, found the complaint is sustained or partially sustained, the EOP has the right to order a hearing.

14. Authorities of the President and the Chairman of the Senate to Receive Complaints

The President and the Chairman of the Senate have the authorities to receive complaints. Any complaints received by the President or the Chairman of the Senate should be forwarded to the EOP and handled in accordance with article 10 of this Policy.

15. Time Limit to Lodge a Complaint

The Union encourage complainants to lodge their complaints as soon as practicable. All complaints should be lodged in no more than 12 months after the incident, unless special permission has been granted by the EOP.

16. Rights to Lodge a Complaint with the Equal Opportunities Commission or Commence Legal Proceedings in District Court

- (1) At any time, the complainant has the rights to lodge a complaint with the

Equal Opportunity Commission within 12 months after the complainant being discriminated or harassed. The complainant also has the rights to apply for legal proceedings in District Court within 24 months after the complainant being discriminated or harassed.

- (2) HKPTU will not terminate the investigation solely because of the investigations by the Police Force, other public organizations, or legal proceedings in the Court. With the consent from the complainants, the EOP might refer some serious cases to Police Force, other public organizations, or the Court.

Part 6: Procedures of Preliminary Investigation and Informal Resolution

17. Explain the Choices, Procedures, and Rights of the Complainant

- (1) After the EOP received a complaint, it should explain the followings to the complainant:
 - a. rights of complainant;
 - b. procedures of the EOP when handling complaints;
 - c. contact information (e.g. email address) of at least one member of the EOP, such that complainant could contact the EOP directly without relying on a third person;
 - d. aims, scope, pros and cons of informal resolution; and
 - e. the EOP, based on the principle of natural justice, would inform the defendant the content of complaint, name of complainant, statements of witnesses, and names of witnesses. The EOP might also disclose relevant information when it is necessary for the EOP to exercise its duties.
- (2) Section (1) does not applies on anonymous complaints.

18. Preliminary Investigation

- (1) The EOP should commence the preliminary investigation, within 14 working days after receiving a written complaint, or within 14 working days after the complainant signed and confirmed the content of an oral complaint.
- (2) Preliminary investigation should be finished within 30 working days after it has been commenced.
- (3) If the EOP is unable to finish the preliminary investigation within 30 working days, the EOP should provide explanations to complainant and defendant.

- (4) The aims of preliminary investigation are to allow the EOP to filter out those complaints which are obviously untrue or do not regulated by this Policy. The EOP is not necessary to take statements from witnesses extensively.
- (5) If the EOP, after preliminary investigation, found that the complaint is untrue or does not regulated by this Policy, the EOP could reject such complaint.
- (6) If the EOP rejects a complaint according to section (5), the EOP must provide a written explanation to the complainant.
- (7) Section (3) and (6) do not apply on complainants of anonymous complaints.

19. The EOP has the Right to Make Interim Recommendations

- (1) After receiving a complaint, if the EOP thinks fit, the EOP could make interim recommendations to the ExCo.
- (2) Aims of interim recommendations are:
 - a. protect the complainant, defendant, and witnesses; and
 - b. eliminate or reduce the affections on normal operations of the Union.
- (3) If the EOP intended to recommend separating the complainant, defendant, and the witnesses, the EOP should recommend the defendant to be transferred or adjust the work duties of the defendant whenever practicable, but not recommend the complainant to be transferred or adjust the work duties of the complainant.
- (4) The EOP might provide emotional supports to complainant if it is applicable.
- (5) If the defendant is a member of Senate, the relevant interim recommendations should be made to the Senate.

20. Aims of Informal Resolution

The Union encourage both sides to use informal resolution mechanism when it is applicable. The aims of informal resolution are:

- (1) offer a speedy resolution for incidents that violated this Policy;
- (2) stop the behaviors that violated this Policy at an early stage; and
- (3) avoid repeated incidents that violated this Policy.

21. Scope of Informal Resolution

Informal resolution is suitable for the following situation:

- (1) relatively minor or isolated incident; and

- (2) both the complainant and the defendant agreed to settle the complaint with informal resolution.

22. Procedures and Forms of Informal Resolution

The detailed procedures and forms of informal resolution should be decided by the EOP on case-by-case basis. But the EOP must ensure the aims stated in article 20 of this Policy being implemented.

23. Recommendations that Can be Made in Informal Resolution

- (1) Under informal resolution, the EOP might, if it thinks fit, make the following recommendations to the ExCo:
 - a. issue oral warnings;
 - b. issue written warnings;
 - c. amend policies of the Union, which are violated this Policy;
 - d. reconsider the decisions which are violated this Policy; or/and
 - e. other recommendations the EOP thinks fit.
- (2) If the defendant is a member of Senate, recommendations made in accordance with section (1) should be made to the Senate instead of the ExCo.

24. Right to Apply for Formal Hearing

If the complainant thinks that the defendant does not improved his/her behaviors as promised in informal resolution within a reasonable time, the complainant may apply to the EOP for a formal hearing.

Part 7: Procedures of Hearing

25. Scope of Hearing

Hearing is for:

- (1) all complaints that the EOP has agreed to handle after preliminary investigation, but the case should not be settled under informal resolution;
or
- (2) complaints that are designated by article 24 of this Policy, and the application has been approved by the EOP.

26. Procedures of Hearing

The details of procedures of hearing are to be decided by the EOP, but it must compliant with following regulations:

- (1) If the EOP has decided to conduct a hearing, the EOP should provide the following items to complainant and defendant:
 - a. written notice of hearing;
 - b. full text of this Policy;
 - c. list of members of the EOP;
 - d. a copy of written complaint or record of oral complaint;
 - e. report of the preliminary investigation; and
 - f. any documents that are relevant to the hearing, as determined by the EOP.
- (2) After the EOP has determined the date(s) of hearing, the EOP must inform complainant and defendant at least 14 working days before the first day of hearing, by means of written notice.
- (3) The EOP might, at any stage during the hearing, seek for legal advices and invite legal consultant to be presented in the hearing.
- (4) The EOP has the rights to exercise their powers at any stage during the hearing, and the EOP should ensure the hearing process be completed as soon as practicable.
- (5) The EOP might request complainant and defendant to be testified, orally or by written statement.
- (6) After the EOP issued the written notice to complainant and defendant as specified by item a of section (1), complainant and defendant must, within 14 working days, reply to the EOP on whether they are intended to:
 - a. present the hearing in person;
 - b. be represented by legal representatives;
 - c. be accompanied by peers, consultants, relatives, or friends;
 - d. submit any evidences or information to the EOP;
 - e. summon witnesses; and
 - f. request the EOP to summon witnesses.

If complainant or defendant is intended to exercise his/her rights as specified by item b, c, e, or f, he/she must submit the name list with the written reply to the EOP.

- (7) If complainant or defendant, for whatever reason, is unable to reply the EOP or unable to submit the name list by the deadline as specified by section (6), that complainant or defendant must, by the prescribed deadline, apply to the EOP for extension of deadline. Such application must be in written, and reasons for extension must be stated in the application. Before the EOP decide whether to accept such application, the EOP must allow another side to express his/her opinion regarding to the application,

and the EOP must inform both sides the final decision.

- (8) Given that the EOP has completed the requirements stated in section (1) and (2), even complainant or defendant is absent, the hearing may still continue.
- (9) Persons present in the hearing according to item b or c of section (6), given that he/she is not a witness in the complaint, may speak on behalf of complainant or defendant in the hearing.
- (10) To ensure complainant (and his/her representative), defendant (and his/her representative), and witnesses would not be threatened or insulted during the hearing, the EOP might enforce any suitable measures, to protect complainant (and his/her representative), defendant (and his/her representative), and witnesses.
- (11) During the hearing, the EOP must allow both complainant and defendant (or their respective representatives) to:
 - a. make a statement; and
 - b. respond to evidences, statement of the other side, and statements of witnesses.
- (12) To facilitate the hearing, the EOP is authorized to request and read any relevant documents of the HKPTU.
- (13) The hearing should be completed within 6 months after the written notice specified by item a of section (1) has been issued. If the EOP is unable to conclude the hearing within 6 months, the EOP must explain the reasons of delay in the hearing report.
- (14) Under the following circumstances, the EOP might reject, adjourn, or terminate the hearing:
 - a. the EOP believes that even if the complaint is real, such act does not constitute to violation of this Policy;
 - b. such complaint is handing by, or handled by, other internal proceedings of the HKPTU, other public organization that is responsible for the matter (e.g. Equal Opportunity Commission), or legal proceedings in court or tribunal; or
 - c. both complainant and defendant agreed for reconciliation, and the EOP believes the terms of reconciliation have reach the principle of equal opportunity.

27. Standards of Verdict

- (1) The EOP employs the standard of “Balance of Probabilities” when making verdicts. The EOP will compare the chance of the act which violated this

Policy has happened and the chance of that is not happened, and determine which is the higher.

- (2) The EOP will determine the facts and decide the verdict (or verdicts, if there are multiple accusations in one complaint) after the hearing, and determine whether the defendant has conducted acts that violated this Policy. If the EOP believes the complaint is groundless, or defendant does not did any acts that violated this Policy, or the act of defendant is an exceptional case that allowed by this Policy, the EOP will terminate the hearing.
- (3) Regardless of whether the complaint is sustained or not, the EOP may make recommendations in relation to the complaint, or any recommendations that could strengthen or maintain the standard of the HKPTU when implementing this Policy.

28. Recommendations that Can be Made After Hearing

- (1) After hearing, the EOP might, if it thinks fit and when the complaint is sustained, make the following recommendations to the ExCo:
 - a. issue oral warnings;
 - b. issue written warnings;
 - c. issue condemnation;
 - d. revoke the rights to enjoy welfares, exercise rights, or enjoy convenient in the HKPTU, temporarily or permanently;
 - e. termination of contract, including employment contract, business contract, or other kinds of contracts;
 - f. revoke Union membership, and prohibit he/she from applying for new membership, temporarily or permanently;
 - g. removal of title of members of the ExCo and the Senate;
 - h. report to law enforcement agencies, when it is related to criminal liability;
 - i. amend policies of the Union, which are violated this Policy;
 - j. reconsider the decisions which are violated this Policy; or/and
 - k. other recommendations the EOP thinks fit.
- (2) If the defendant is a member of Senate, recommendations made in accordance with section (1) should be made to the Senate instead of the ExCo.

29. The EOP Must Submit a Hearing Report

- (1) For any complaints that designed by article 25 of this Policy, the EOP must

submit a hearing report to the ExCo within 45 working days after the EOP rejected a hearing application, terminated the hearing, or completed the hearing. The EOP, on the same day as submission, must offer a copy of the hearing report to complainant, defendant, and the Chairman of the Senate.

- (2) The EOP must include explanations about verdicts and suggestions made according to article 28 of this Policy in the hearing report.

Part 8: Procedures of Appeal

30. Rights of Complainant and Defendant to Appeal

- (1) Complainant and defendant may apply for appeal in relation to procedural matters at any stage when the EOP is handling the complaint. If complainant or defendant wish to apply for appeal, such application must be made, in writing to the President, within 7 working days after the EOP notified complainant or defendant regarding such procedural decision.
- (2) Complainant and defendant may apply for appeal in relation to the verdict made by the EOP. If complainant or defendant wish to apply for appeal, such application must be made, in writing to the President, within 14 working days after the EOP submitted the hearing report according to article 29 of this Policy. "Verdict" includes the decision of the EOP to reject a hearing application, terminate a hearing, and other verdict(s) that stated in the hearing report.

31. Rights of the President and the ExCo to Handle Appeals

- (1) If the President received appeal applications made according to article 30(1), the President can handle it with the procedures he/she thinks fit. If the President found it necessary, the President could issue Procedural Directives to the EOP.
- (2) If the President received appeal applications made according to article 30(2), the President must refer it to the ExCo. The ExCo can handle it with the procedures it thinks fit. If the ExCo found it necessary, the ExCo could call for hearing again. The hearing called by the ExCo must follow the same regulations stated in article 26 of this Policy. The decision made by the ExCo is final.

Part 9: Revoke a Complaint

32. Complainant may Apply for Revocation of Complaint

At any stage, the complainant may apply to the EOP, in writing, for revocation of the complaint.

33. Standards of the EOP when Considering for Approval for Revocation

When dealing with application for revocation of complaint, the EOP should consider:

- (1) whether the complainant made such application under inappropriate pressure; and
- (2) would reject the application more likely to achieve justice than accept the application.

Part 10: Deal with Conflict of Interest

34. Ways of Dealing with Conflict of Interest of the EOP Members

- (1) If the complainant is complaining against a member of the EOP, or a member of the EOP is being a witness in a complaint, that member of the EOP is prohibited from handling that complaint in any procedures.
- (2) If the Chairperson of the EOP is being complained, or the Chairperson of the EOP is being a witness in a complaint, the Deputy Chairperson is responsible to act as the Chairperson when handling that complaint.

35. Ways of Dealing with Conflict of Interest of the President

If the President is being complained, or being a witness in a complaint, the Chairman of the Senate and the Senate are responsible to act as the President and the ExCo respectively when handling appeal in accordance with article 31 of this Policy.

Part 11: Protections for Minors and Mentally Incapacitated Persons

36. Minors and Mentally Incapacitated Persons may be Represented by their Relatives or Guardian

Relatives or guardian of minors and mentally incapacitated persons may, on behalf of their minors and mentally incapacitated persons, to exercise their rights according to this Policy.

37. HKPTU might Request for Record of “Sexual Conviction Record Check”

When the Union is organizing an activity or service, which the major target audience is minors or mentally incapacitated persons, the Union might request service providers to provide record of “Sexual Conviction Record Check”, if the Union thinks fit.

Part 12: Authorities to Amend and Interpret this Policy

38. The ExCo has the Authority to Amend this Policy

The ExCo may amend this Policy by passing a resolution.

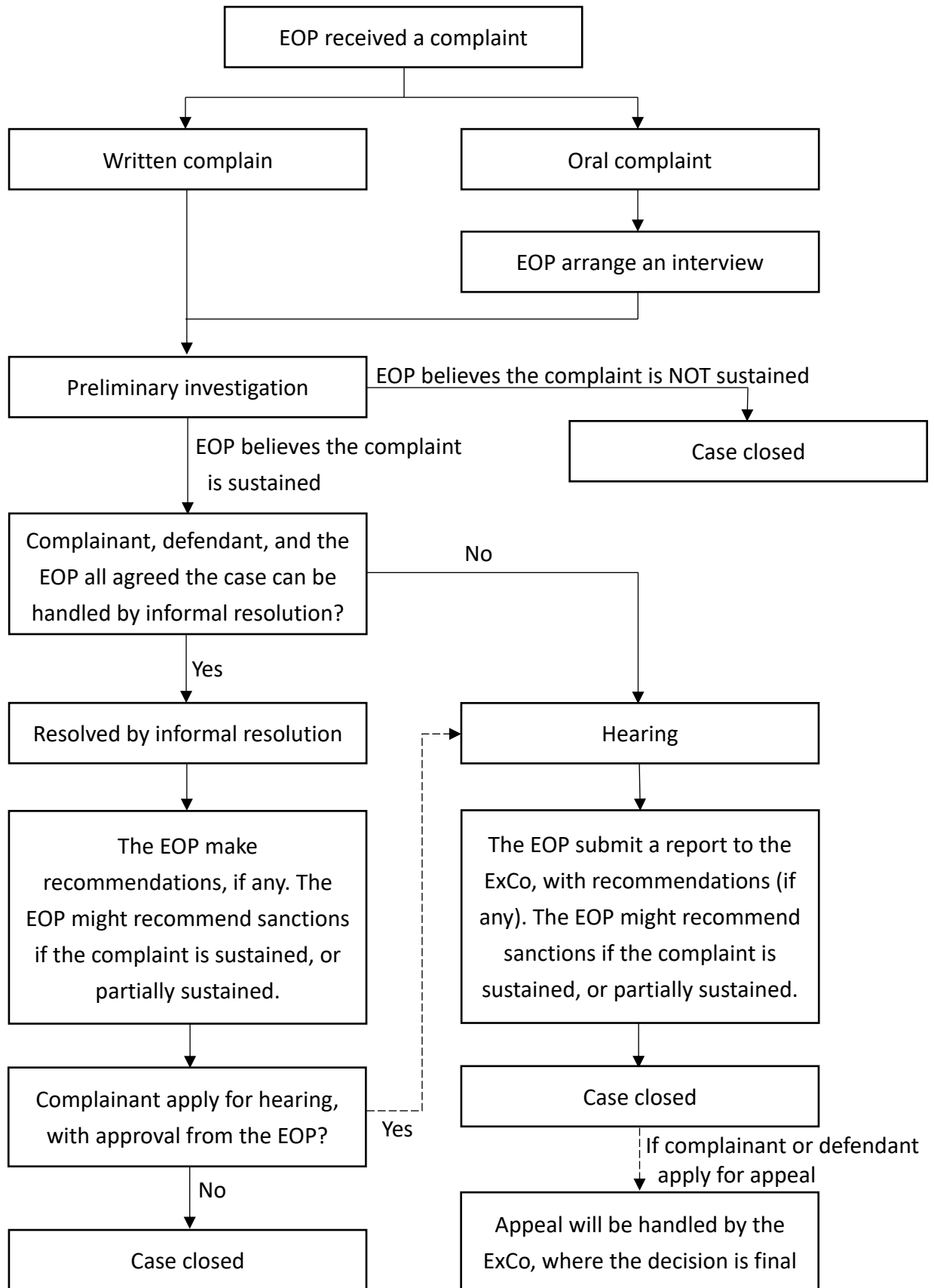
39. The ExCo Should Consult the EOP Before Making Amendments

The ExCo should consult the EOP before making amendment whenever it is practicable.

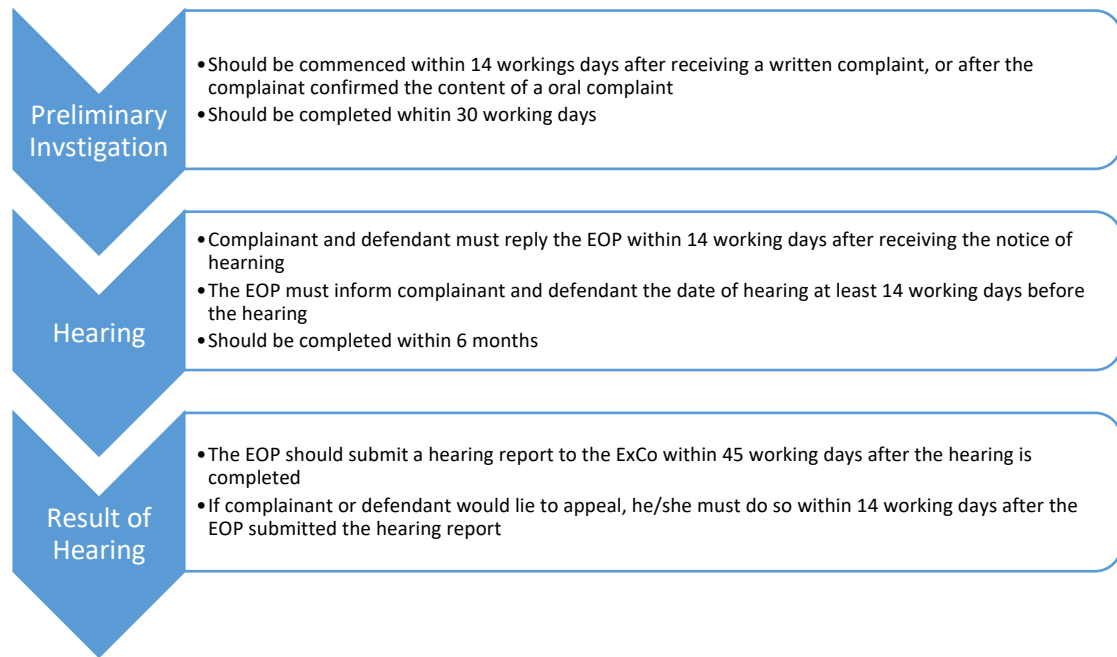
40. The ExCo has the Authority to Interpret this Policy

If there is(are) ambiguity(ies) in this Policy , the ExCo has the right to interpret this Policy.

Schedule 1: Flow Chart of Handing a Complaint



Schedule 2: Timeline for Handling a Complaint



Schedule 3: Relevant Laws, Code of Practice, and websites of Organizations

<p><i>Sex Discrimination Ordinance</i> (Cap. 480) (Section 2(5) and sections 5 to 8, definitions of sexual harassment, sex discrimination, discrimination against marital status, and discrimination against pregnant women) www.elegislation.gov.hk/hk/cap480</p>
<p><i>Code of Practice on Employment under the Sex Discrimination Ordinance</i> (Paragraphs 5 to 7, examples of sex discrimination, sexual harassment, and discrimination by way of victimization) https://www.eoc.org.hk/eoc/graphicsfolder/showcontent.aspx?content=codes_of_practice_sdo</p>
<p><i>Sex Discrimination (Amendment) Bill 2020</i> (Section 5, definition of harassment of breastfeeding women) https://www.gld.gov.hk/egazette/pdf/20202405/cs3202024052.pdf</p>
<p><i>Disability Discrimination Ordinance</i> (Cap. 487) (Sections 2(6), 6, and 46, definitions of disability harassment, discrimination, and vilification) www.elegislation.gov.hk/hk/cap487</p>
<p><i>Code of Practice on Employment under the Disability Discrimination Ordinance</i> (Paragraphs 4.1 to 4.7, examples of disability discrimination, harassment, vilification, and discrimination by way of victimisation) https://www.eoc.org.hk/EOC/GraphicsFolder/showcontent.aspx?content=cops_ddo_new</p>
<p><i>Family Status Discrimination Ordinance</i> (Cap. 527) (Section 5, definition of family status discrimination) www.elegislation.gov.hk/hk/cap527</p>
<p><i>Code of Practice on Employment under the Family Status Discrimination Ordinance</i> (Paragraph 5 to 6, examples of family status discrimination, and discrimination by way of victimisation) https://www.eoc.org.hk/eoc/graphicsfolder/showcontent.aspx?content=codes_of_practice_fsdo</p>

<p><i>Race Discrimination Ordinance</i> (Cap. 602) (Sections 4, 7, and 45, definitions of race discrimination, harassment, and vilification) www.elegislation.gov.hk/hk/cap602</p>
<p><i>Code of Practice on Employment under the Race Discrimination Ordinance</i> (Paragraphs 6.1 to 6.4, examples of race discrimination, harassment, and vilification) https://www.eoc.org.hk/eoc/Upload/UserFiles/File/rdo/RDO_CoP_Eng.pdf</p>
<p><i>Practical Guidelines for Employers on Eliminating Age Discrimination in Employment</i> (Chapter 1, definition and examples of age discrimination) https://www.labour.gov.hk/eng/plan/pdf/eade/Employers/PracticalGuidelines.pdf</p>
<p><i>Code of Practice against Discrimination in Employment on the Ground of Sexual Orientation</i> (Paragraph 2.1, definitions of discrimination, harassment, and vilification on the ground of sexual orientation) https://www.cmab.gov.hk/en/issues/full_code_of_practice.htm</p>
<p>Equal Opportunities Commission www.eoc.org.hk</p>
<p><i>Preventing and Dealing with Sexual Harassment</i>, published by the Equal Opportunities Commission (With the section of “What can you do if you are sexually harassed?”) https://www.eoc.org.hk/EOC/GraphicsFolder/showcontent.aspx?content=Preventing%20and%20Dealing%20with%20Sexual%20Harassment</p>
<p>Office of the Privacy Commissioner for Personal Data, Hong Kong http://www.pcpd.org.hk</p>
<p>Personal Data (Privacy) Ordinance Data Access Request Form https://www.pcpd.org.hk/english/resources_centre/publications/forms/files/Dform_e.pdf</p>
<p>Hong Kong Professional Teachers’ Union www.hkptu.org</p>